



We create chemistry

March 28, 2018

Certified Mail

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

**RE: BASF Corporation
Expedited Settlement Agreement
CAA-04-2018-8000(b)**

To Whom It May Concern:

Please find enclosed a copy of payment for the Expedited Settlement Agreement involving BASF (Docket No. CAA-04-2018-8000(b); Respondent's Name: Robert Gagliano).

A written statement that payment has been made and the original check for \$1400.00 (check #: 02221639) have been sent to:

U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101

And

Om Devkota
U.S. EPA Region 4
Chemical Management and Emergency Planning Section
61 Forsyth Street, S.W.
Atlanta, GA 30303

If you have any questions or need further information, please call Lindsey Foster at (423) 493-2736.

Respectfully,

Robert Gagliano
Site Director
BASF Corporation

U.S. EPA REGION 4
OFFICE OF REGIONAL
COUNSEL
2018 APR -5 AM 7:37
HEARING CLERK

DOCUMENT NO	INV DATE	INVOICE NO	GROSS AMOUNT	DISCOUNT AMOUNT	NET AMOUNT
1700372438	02/01/2018	CAA-04-0218-80006	1,440.00	0.00	1,440.00
Date: 02/06/2018			1,440.00	0.00	1,440.00

Direct Payment Your Account with us 2005062
Payment Document 1082087679
Inquiries to AP_INQUIRY_MAIL_BOX@BASF.COM
(973) 245-5530 Hold Code 08 Robert Gagliano

Payment Amount
*****1.440.00*

USD BASF Corporation
100 Park Ave
Florham Park, NJ 07932-0685

REMOVE DOCUMENT ALONG THIS PERFORATION

THIS DOCUMENT IS PRINTED IN TWO COLORS. DO NOT ACCEPT UNLESS BLUE AND BURGUNDY ARE PRESENT.

BASF Corporation
100 Park Ave
Florham Park, NJ 07932-0685

50-
937/213

No. 02221639

DATE
02 06 2018

*** ONE THOUSAND FOUR HUNDRED FORTY USD*** \$*****1,440.00*

PAY TO THE ORDER OF
UNITED STATES TREASURER
US EPA
PO Box 979077
ST LOUIS MO 63197-9000

JPMorgan Chase Bank, National Association
Syracuse, NY

Robert E. Wheel

VOID AFTER 90 DAYS

110222163911 102130937910 58192923411

BASF Corporation
100 Park Ave
Florham Park, NJ 07932-0685

UNITED STATES TREASURER
US EPA
PO Box 979077
ST LOUIS MO 63197-9000

SEE REVERSE SIDE FOR
OPENING INSTRUCTIONS

OPENING INSTRUCTIONS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2018-8000(b)

This ESA is issued to: BASF Corporation
32 Lost Mound Drive
Chattanooga, Tennessee 37406

2018 MAR 22 PM 4:50
HEARING CLERK
OFFICE OF REGIONAL
COUNSEL

for violating 40 CFR § 68.65, 40 CFR § 68.73, and Section 112(r)(7) of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency Region 4, the Director of the Air, Pesticides and Toxics Management Division (Complainant), and by the BASF Corporation (Respondent), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 CFR § 22.13(b).

ALLEGED VIOLATIONS

Based on a compliance monitoring inspection conducted at the Respondent's facility located at 32 Lost Mound Drive in Chattanooga, Tennessee on April 10, 2017, the EPA alleges that the Respondent violated the Act's Chemical Accident Prevention Program, when at the time of the inspection, Respondent did not provide evidence that:

It documented that equipment complies with recognized and generally accepted good engineering practices as required by 40 CFR § 68.65(d)(2); and

Its frequency of inspections and tests of process equipment was consistent with applicable manufacturers' recommendations and good engineering practice, and more frequently if determined to be necessary by prior operating experience as required by 40 CFR § 68.73(d)(3).

SETTLEMENT

In consideration of Respondent's size, its full compliance history, its good faith efforts to comply, and other factors as justice may require, and upon consideration of the entire record the parties enter into the ESA in order to settle the violations cited above, for the total penalty amount of \$1,440.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits the jurisdictional allegations contained herein, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the

Act, 42 U.S.C § 7413(d)(2)(A), and to appeal this ESA or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the Respondent has corrected the alleged violations listed in this ESA.

Within fifteen (15) days of receiving a copy of the fully executed ESA, Respondent shall pay a civil penalty in the amount of **\$1,440**. Respondent's payment shall be made by sending a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of **\$1,440**, in payment of the full penalty amount to one of the following addresses or via wire transfer:

For payment sent via electronic transfer

For payment by wire transfer, in lieu of a cashier's check or certified check, if desired, should be directed to the Federal Reserve Bank of New York using the following information:

ABA: 021030004
Account: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Beneficiary: "U.S. Environmental Protection Agency";

The wire transfer instructions shall reference the Respondent's name and Docket Number of this ESA.

For payment sent via Standard Delivery

U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979077
St. Louis, Missouri 63197-9000; or

For payment sent for Signed Receipt Confirmation (FedEx, DHL, UPS, USPS Certified, Registered, etc.)

U.S. Environmental Protection Agency
Cincinnati Finance Center Box 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
Delivery Location Phone Number: 314- 425-1819

The Respondent's Name and the Docket Number of this ESA must be included on the check. The Docket Number is located at the top left corner of the first page of this ESA.

At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this ESA to:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303, and

Om Devkota
U.S. EPA Region 4
Chemical Management and Emergency
Planning Section
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of State or Federal taxes.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for federal civil penalties for the violations alleged in this ESA. The EPA does not waive any other enforcement action for any other violations of the Act or any other statute.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

The Remainder of This Page Intentionally Left Blank

FOR RESPONDENT:



Date: 2-7-2018

Name (print): ROBERT GAGUANO

Title (print): SITE DIRECTOR
BASF Corporation

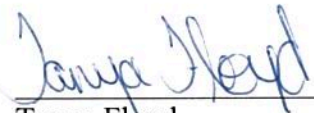
FOR COMPLAINANT:



Date: 1/16/18

Beverly H. Banister
Director
Air, Pesticides and Toxics Management Division

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.



Date: March 22, 2018

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order, in the matter of BASF Corporation, CAA-04-2017-8000(b), on the parties listed below in the manner indicated:

Robert W. Bookman
U. S. EPA, Región 4
Air, Pesticides and Toxics
Management Division
61 Forsyth Street
Atlanta, GA 30303

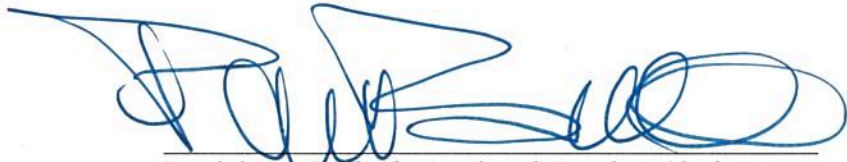
(Via EPA's internal mail)

Lucia Mendez
U. S. EPA, Region 4
Office of Regional Counsel
61 Forsyth Street
Atlanta, GA 30303

(Via EPA's internal mail)

Date:

3-22-18



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 22 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Rob Gagliano
Site Director
BASF Corporation
32 Lost Mound Drive
Chattanooga, Tennessee 37406

Re: BASF Corporation
Expedited Settlement Agreement
CAA-04-2017-8000(b)

Dear Mr. Gagliano:

Enclosed please find an executed copy of the Expedited Settlement Agreement (ESA) that resolves the Clean Air Act (CAA) matter (Docket No. CAA-04-2017-8000(b)) involving BASF Corporation. The ESA was filed with the Regional Hearing Clerk, as required by 40 CFR Part 22 and became effective on the date of the filing.

If you need additional information in this matter, please call Om P. Devkota at (404) 562-8963.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony G. Toney", written over a horizontal line.

Anthony G. Toney

Chief

Chemical Safety and Enforcement Branch

Enclosure



We create chemistry

December 1, 2016

Via Certified Mail

U.S. Environmental Protection Agency
Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, Missouri 63197-9000

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

Re: BASF Corporation - Seneca, South Carolina
Consent Agreement and Final Order
Docket No. EPCRA-04-2016-2029(b)

To Whom It May Concern:

Enclosed please find the following checks, which are submitted as payment for the above-referenced Consent Agreement and Final Order.

Check Number	Recipient	Amount
9834608382	EPA Hazardous Substances Superfund	\$11,505.00
9834608383	Treasurer, United States of America	\$11,505.00

Submittal of these checks fulfills the requirement for payment under this CAFO

If you have any questions regarding the enclosed payment, please contact Allison Ranson at (864) 885-1366 or allison.ranson@basf.com.

Yours Faithfully,

Will Teasdale
Site Director

cc: (w/copy of checks)

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

USEPA REGION 4
OFFICE OF REGIONAL
COUNSEL
2016 DEC - 6 PM 3:54
HEARING CLERK

Eddie Chow
U.S. EPA Region 4
Chemical Management and Emergency Planning Section
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Saundi Wilson
U.S. EPA Region 4
Office of Regional Counsel
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

cc: (via email)

Will Teasdale – BASF Seneca
Linda Brenneman – BASF Legal
George Kady – SE Regional EHS Hub



Terms and Conditions (Remitter and Payee):

- * Please keep this copy for your record of the transaction
- * The laws of a specific state will consider these funds to be "abandoned" if the Cashier's Check is not cashed by a certain time
 - Please cash/deposit this Cashier's Check as soon as possible to prevent this from occurring
 - In most cases, the funds will be considered "abandoned" before the "Void After" Date
- * Placing a Stop Payment on a Cashier's Check
 - Stop Payment can only be placed if the Cashier's Check is lost, stolen, or destroyed
 - We may not re-issue or refund the funds after the stop payment has been placed until 90 days after the original check was issued
- * Please visit a Chase branch to report a lost, stolen, or destroyed Cashier's Check or for any other information about this item

**FOR YOUR PROTECTION SAVE THIS COPY
CASHIER'S CHECK**

Customer Copy

9834608382

06/17/2016

Void after 7 years

Remitter: BASF CORPORATION

\$** 11,505.00 **

Pay To The Order Of: EPA HAZARDOUS SUBSTANCES SUPERFUND

Memo: Doc No EPCRA-04-2016-2029(6)
Note: For information only. Comment has no effect on bank's payment.

Drawer: **JPMORGAN CHASE BANK, N.A.**
NON NEGOTIABLE



282111107 NEW 01/08 8810004306

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



CASHIER'S CHECK

Date

06/17/2016

Void after 7 years

Remitter: BASF CORPORATION

Pay To The Order Of: EPA HAZARDOUS SUBSTANCES SUPERFUND

Pay: ELEVEN THOUSAND FIVE HUNDRED
FIVE DOLLARS AND 00 CENTS

\$** 11,505.00 **

Drawer: **JPMORGAN CHASE BANK, N.A.**

Bruce V. Dean
Senior Vice President
JPMorgan Chase Bank, N.A.
Columbus, OH

Do not write outside this box
In the Matter of BASF Corporation
Memo: Docket # EPCRA-04-2016-2029(6)
Note: For information only. Comment has no effect on bank's payment.





Terms and Conditions (Remitter and Payee):

- * Please keep this copy for your record of the transaction
- * The laws of a specific state will consider these funds to be "abandoned" if the Cashier's Check is not cashed by a certain time
 - Please cash/deposit this Cashier's Check as soon as possible to prevent this from occurring
 - In most cases, the funds will be considered "abandoned" before the "Void After" Date
- * Placing a Stop Payment on a Cashier's Check
 - Stop Payment can only be placed if the Cashier's Check is lost, stolen, or destroyed
 - We may not re-issue or refund the funds after the stop payment has been placed until 90 days after the original check was issued
- * Please visit a Chase branch to report a lost, stolen, or destroyed Cashier's Check or for any other information about this item

**FOR YOUR PROTECTION SAVE THIS COPY
CASHIER'S CHECK**

Customer Copy

9834608383

06/17/2016

Void after 7 years

Remitter: BASF CORPORATION

\$** 11,505.00 **

Pay To The Order Of: TREASURER, UNITED STATES OF AMERICA

Memo: Doc No. EPCRA-04-2016-2029(b)

Note: For information only. Comment has no effect on bank's payment.

Drawer: **JPMORGAN CHASE BANK, N.A.**
NON NEGOTIABLE



282111107 NEW 01/08 8810004306

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



CASHIER'S CHECK

Date 06/17/2016

9834608383
Void after 7 years

25-3
440

Remitter: BASF CORPORATION

Pay To The Order Of: TREASURER, UNITED STATES OF AMERICA

Pay: ELEVEN THOUSAND FIVE HUNDRED
FIVE DOLLARS AND 00 CENTS

\$** 11,505.00 **

Drawer: **JPMORGAN CHASE BANK, N.A.**

Bruce Volan
Senior Vice President
JPMorgan Chase Bank, N.A.
Columbus, OH

Do not write outside this box
in the Matter of BASF Corporation
Memo: Docket # EPCRA-04-2016-2029(b)
Note: For information only. Comment has no effect on bank's payment.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:

BASF Corporation

Respondent.

)
)
)
)
)
)
)

Docket Number: EPCRA-04-2016-2029(b)

HEARING CLERK

2016 NOV 22 AM 7:05

USEPA REGION 4
OFFICE OF REGIONAL
COUNSEL

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609 and Section 325 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11045 and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits (Consolidated Rules), codified at 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is BASF Corporation.

2. The authority to take action under Section 109 of CERCLA, 42 U.S.C. § 9609 and Section 325 of EPCRA, 42 U.S.C. § 11045, is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under CERCLA and under EPCRA to the Regional Administrators by EPA Delegations 14-31 and 22-3-A, both dated May 11, 1994. The Regional Administrator, Region 4, has redelegated to the Director, Air, Pesticides and Toxics Management Division, the authority under CERCLA by EPA Region 4 Delegation 14-31 dated March 8, 1999, and updated August 6, 2004, and the authority under EPCRA by EPA Region 4 Delegation 22-3-A, dated November 8, 1994. Pursuant to these delegations, the Director of the Air, Pesticides and Toxics Management Division has the authority to commence an enforcement action as the Complainant in this matter.

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18(b) and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

4. Respondent, BASF Corporation, is a corporation doing business in the State of South Carolina.

5. Respondent is a "person" and is the "owner or operator" of a "facility" as those terms are defined in Section 329(7) of EPCRA, 42 U.S.C. § 11049(7) and Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), Section 101 (20)(A) of CERCLA, 42 U.S.C. § 9601(20)(A), and Section 101(9) of CERCLA, 42 U.S.C. § 9601(9) and by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), respectively.

6. Respondent's facility is located at 554 Engelhard Drive, Seneca, South Carolina 29678.

III. EPA's Allegations of Violations

Violations of Section 103(a) of CERCLA

7. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), required the Administrator of EPA to publish a list of substances designated as hazardous substances which, when released into the environment, may present substantial danger to public health or welfare or the environment and to promulgate regulations establishing the quantity of any hazardous substance the release of which was required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). EPA has published and amended such a list, including the corresponding reportable quantities (RQ) for those substances. This list which is codified at 40 C.F.R. Part 302, was initially published on April 4, 1985 (50 Fed. Reg. 13474) and is periodically amended.

8. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and the regulations found at 40 C.F.R. § 302.6, require a person in charge of a facility or vessel to immediately notify the National Response Center (NRC), as soon as he or she has knowledge of a release of a hazardous substance from such facility or vessel in an amount equal to, or greater than the RQ.

9. Respondent was in charge of the facility during the relevant periods described below.

10. Nitrogen dioxide is a "hazardous substance" as that term is defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), with an RQ of 10 pounds, as specified in 40 C.F.R. § 302.4.

11. On April 2, 2015, there was a release of nitrogen dioxide above the RQ into the environment from Respondent's facility.

12. EPA alleges that Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and the applicable CERCLA regulations, 40 C.F.R. § 302.6, by failing to immediately notify the NRC as soon as Respondent had knowledge of the release of nitrogen dioxide in an amount equal to or greater than its RQ at Respondent's facility and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

13. Pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and 40 C.F.R. Part 19, EPA may assess a penalty not to exceed \$37,500 for each violation of Section 103(a) of

CERCLA, 42 U.S.C. § 9603(a), that occurred after January 12, 2009. Each day a violation of Section 103 continues constitutes a separate violation. Civil penalties under Section 109 of CERCLA, 42 U.S.C. § 9609, may be assessed by Administrative Order.

Violations of Section 304(a) EPCRA

14. Section 304(a) of EPCRA, 42 U.S.C. § 11004(a) and the regulations found at 40 C.F.R. § 355, Subpart C, require the owner or operator of a facility at which a hazardous chemical is produced, used or stored, to immediately provide notice to the State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC) as described in Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), when there has been a release of an EPCRA extremely hazardous substance, or a CERCLA hazardous substance in an amount equal to or greater than the RQ from a facility. Section 304(a) does not apply to any release which results in exposure to persons solely within the site or sites on which a facility is located.

15. Respondent was the owner or operator of the facility during the relevant periods described herein.

16. At all times relevant to this matter, the facility produced, used, or stored a "hazardous chemical" as defined under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and under 29 C.F.R. § 1910.1200(c).

17. Nitrogen dioxide is an "extremely hazardous substance" as that term is defined by Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), with an RQ of 10 pounds, as specified in 40 C.F.R. § 355.33, Appendices A & B.

18. On April 2, 2015, there was a release of nitrogen dioxide above the RQ into the environment from Respondent's facility. EPA alleges that the releases resulted in the potential for exposure to persons beyond the site or sites on which the facility is located.

19. EPA alleges that Respondent violated the notification requirements of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), and the applicable EPCRA regulations of 40 C.F.R. § 355, Subpart C, by failing to immediately notify the SERC and LEPC as soon as Respondent had knowledge of the release of nitrogen dioxide in an amount equal to or greater than the RQ at Respondent's facility, and is therefore subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

20. Pursuant to Section 325(b) of EPCRA, 42 U.S.C. § 11045(b), and 40 C.F.R. Part 19, EPA may assess a penalty of not more than **\$37,500** for each violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a) that occurred after January 12, 2009. Civil penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b), may be assessed by Administrative Order.

IV. Consent Agreement

21. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out above but neither admits nor denies the factual allegations set out above.

22. Respondent waives any right to contest the allegations and its right to appeal the proposed final order accompanying the Consent Agreement.

23. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.

24. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of CERCLA and EPCRA.

25. Compliance with this CAFO shall resolve the allegations of violations contained herein. In accordance with 40 C.F.R. § 22.18(c), compliance with this CAFO only resolves Respondent's liability for federal civil penalties for the allegations in Section III of this CAFO and does not affect the right of the EPA or U.S. to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law. This CAFO does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of EPCRA, CERCLA or other applicable laws and regulations.

26. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of CERCLA and EPCRA.

V. Final Order

27. Respondent shall pay a civil penalty of **ELEVEN THOUSAND, FIVE HUNDRED FIVE DOLLARS (\$11,505)** for the CERCLA violation which shall be paid within thirty (30) days of the effective date of this CAFO.

28. Respondent shall pay the CERCLA civil penalty by forwarding a cashier's or certified check, payable to "EPA Hazardous Substance Superfund" to one of the following addresses:

BY MAIL

U.S. Environmental Protection Agency
Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, Missouri 63197-9000

BY OVERNIGHT

U.S. Environmental Protection Agency
Government Lockbox 979076
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1819

The check shall reference on its face the name and the Docket Number of the CAFO.

29. Respondent shall pay a civil penalty of **ELEVEN THOUSAND, FIVE HUNDRED FIVE DOLLARS (\$11,505)** for the EPCRA violations which shall be paid within thirty (30) days of the effective date of this CAFO.

30. Respondent shall pay the EPCRA penalty by forwarding a cashier's or certified check payable to "Treasurer, United States of America," to one of the following addresses:

BY MAIL

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

BY OVERNIGHT

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 425-1819

The check shall reference on its face the name and the Docket Number of the CAFO.

31. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Eddie Chow
U.S. EPA Region 4
Chemical Management and Emergency Planning Section
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Saundi Wilson
U.S. EPA Region 4
Office of Regional Counsel
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

32. For the purposes of state and federal income taxes, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.

VI. Other Provisions

33. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the effective date of this CAFO if the penalty is not paid by the date required. Interest will be assessed at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717. A charge will be

assessed to cover the costs of debt collection, including processing and handling costs and attorney fees. In addition, a penalty charge will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due.

34. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

35. This CAFO shall be binding upon the Respondent, its successors, and assigns.

36. The following individual is authorized to receive service for EPA in this proceeding:

Robert W. Bookman
U.S. EPA Region 4
Chemical Management and Emergency Planning Section
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9169

37. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

The Remainder of this Page is Intentionally Blank

VII. Effective Date

38. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

BASF Corporation

By: Linda Misky Brenneman (Signed) Date: 10.17.16

Name: Linda Misky Brenneman (Typed or Printed)

Title: Associate General Counsel (Typed or Printed)

U.S. Environmental Protection Agency

By: M. G. Gettle Date: 11/4/16

for Jeaneanne M. Gettle
Acting Director
Air, Pesticides and Toxics Management Division

APPROVED AND SO ORDERED this 21st day of November, 2016

Tanya Floyd
Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing
Consent Agreement and Final Order: In the Matter of BASF Corporation, Docket Number:
EPCRA-04-2016-2029(b), on the parties listed below in the manner indicated:


Robert W. Bookman (Via EPA's internal mail)
U.S. EPA, Region 4
Chemical Management and Emergency Planning Section
61 Forsyth Street
Atlanta, GA 30303

Lucia Mendez (Via EPA's internal mail)
U.S. EPA Region 4
Office of Regional Counsel
61 Forsyth Street
Atlanta, GA 30303

Robert Caplan (Via EPA's internal mail)
Senior Attorney
U.S. EPA, Region 4
Office of Regional Counsel
61 Forsyth Street
Atlanta, GA 30303

Linda Brenneman (Via Certified Mail - Return Receipt Requested)
Associate General Counsel
BASF Corporation
100 Park Avenue
Florham Park, New Jersey 07940

Date: 11-22-16


Patricia A. Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 22 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Linda Brenneman
Associate General Counsel
BASF Corporation
100 Park Avenue
Florham Park, New Jersey 07940

Re: BASF Corporation – Seneca, South Carolina
Consent Agreement and Final Order
Docket No. EPCRA-04-2016-2029(b)

Dear Ms. Brenneman:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

To ensure proper processing, the Respondent's Name and Docket Number for this case, identified above and in the CAFO, should be noted on any cashier's or certified check submitted in payment of the penalty.

Also, enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts BASF Corporation on notice of its potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the U. S. Environmental Protection Agency Region 4. Where used in the document "SEC" refers to the Securities and Exchange Commission.

Should you have any questions concerning this matter or BASF Corporation's compliance status in the future, please contact Mr. Vinson Poole of the EPA staff at (404) 562-9186.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony G. Toney", with a long horizontal flourish extending to the right.

Anthony G. Toney
Chief
Chemical Safety and Enforcement Branch

Enclosures